

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-80999-CIV-DIMITROULEAS

DANIEL S. NEWMAN, as Court Appointed
Receiver for MERCER CAPITAL, INC.,
MERCER CAPITAL MANAGEMENT, INC.,
MERCER ASSET MANAGEMENT, LLC,
TRI-STATE ENERGY GROUP, LLC,
TRI-STATE ENERGY GROUP I, LTD., and
TRI-STATE ENERGY GROUP II, LTD.,

Plaintiffs,

vs.

ROBERT FLICKINGER,

Defendant.

FINAL DEFAULT JUDGMENT AGAINST DEFENDANT ROBERT FLICKINGER

THIS CAUSE is before the Court upon Plaintiff's Motion for Entry of Default Judgment as to Defendant Robert Flickinger [DE-13], filed herein on November 2, 2009. The Court granted the Motion in an Order entered separately today. Pursuant to Federal Rule of Civil Procedure 58(a), we enter this separate final judgment.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Final Default Judgment is hereby entered against Defendant Robert Flickinger;
2. Plaintiff shall recover of the Defendant as follows:
 - a. Plaintiff shall recover \$381,351.54 in damages;
 - b. Plaintiff shall recover \$350.00 in costs;
3. This judgment shall bear interest at the rate as prescribed by 28 U.S.C. §1961 (0.36%), and shall be enforceable as prescribed by 28 U.S.C. §§2001, et seq., 28

U.S.C. §§3001-3307, and Rule 69(a), Federal Rules of Civil Procedure;

4. The Clerk shall close this case;
5. All pending motions are hereby denied as moot.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida,
this 12th day of November, 2009.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:
Counsel of Record

James Sallah, Esq.
Sallah & Cox
Attorney for Robert Flickinger
2101 North West Corporate Boulevard, Suite 218
Boca Raton, FL 33431

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TRI-STATE ENERGY GROUP, LLC,)
TRI-STATE ENERGY GROUP I, LTD., and)
TRI-STATE ENERGY GROUP II, LTD.,)
)
Plaintiffs,)
)
v.)
)
ROBERT FLICKINGER,)
)
Defendant.)
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CONSENT TO JUDGMENT

Defendant Robert Flickinger hereby consents to entry of a final judgment against him in the amount of \$381,701.54 in connection with the claims asserted in July 7, 2009 Complaint [DE 1] filed by Court-appointed Receiver Daniel S. Newman. Defendant Flickinger hereby specifically waives any and all defenses, causes of action, counterclaims, cross-claims or set-offs in connection with the claims asserted in the Complaint.


Approved as to Form:



JAMES D. SALLAH, ESQ.
SALLAH & COX, LLC
 Boca Corporate Center
 2101 NW Corporate Blvd., Ste. 218
 Boca Raton, FL 33486
 561-989-9080 (Tele.)
 561-989-9020 (Fax)
Counsel for Robert Flickinger

I, Robert Flickinger, hereby consent to entry of judgment as me in the above captioned matter in favor of Plaintiff Daniel S. Newman, as Court Appointed Receiver, in the amount of \$381,701.54. I further waive any and all defenses, causes of action, counterclaims, cross-claims or set-offs in connection with the claims asserted in the Complaint.

Dated: November 11, 2009


Robert Flickinger

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2009 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all record or pro se parties identified on the attached Service List in the matter specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notice of Electronic Filing.

s/ James D. Sallah
James D. Sallah, Esq.

SERVICE LIST

Daniel Newman v. Robert Flickinger
Case No. 09-80999-CIV-DIMITOULEAS
United States District Court, Southern District of Florida

David. B. Rosenberg, Esq.
Counsel for Plaintiff Receiver
2 South Biscayne Blvd., 21st Floor
Miami, FL 33131
Tel. 305-373-9400
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Counsel for Plaintiff Daniel Newman,
Court Appointed Receiver

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)
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)
v.)
)
ROBERT FLICKINGER,)
)
Defendant.)
)

DEFENDANT FLICKINGER’S RESPONSE TO ORDER TO SHOW CAUSE

Defendant Robert Flickinger, by and through his undersigned counsel, hereby files his response to the Court’s Order to Show Cause [DE 15] and states as follows:

1. Defendant Robert Flickinger and the undersigned have been unable to communicate with one another concerning this matter in light of Defendant Flickinger’s work and travel schedule. In that regard, the undersigned has been unable to have any meaningful dialogue with either Defendant Flickinger or with counsel for the Receiver concerning Defendant Flickinger’s intentions regarding this action.

2. Notwithstanding the foregoing, the Defendant Flickinger has been apprised of the issues raised in the Receiver’s complaint and has agreed to consent to the relief that the Receiver seeks. Accordingly, attached hereto, is a copy of the Consent to Judgment that is being filed contemporaneously with the instant Response.

3. As reflected in the Consent to Judgment, Defendant Flickinger has agreed to consent to the relief sought by the Receiver in its entirety.

Respectfully submitted:

s/ James D. Sallah
JAMES D. SALLAH, ESQ.
SALLAH & COX, LLC
Boca Corporate Center
2101 NW Corporate Blvd., Ste. 218
Boca Raton, FL 33486
561-989-9080 (Tele.)
561-989-9020 (Fax)
Counsel for Robert Flickinger

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s/ James D. Sallah

James D. Sallah, Esq.

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*Counsel for Plaintiff Daniel Newman,
Court Appointed Receiver*